

LEGISLATIVE BUSINESS.

THE TRAVANCORE HIGH COURT ACT (AMENDMENT) BILL.
(Discussion Continued).

SADASYATILAKA T. K. VELU PILLAI: (*contd.*) Resuming my remarks, I wish to say that a High Court should exercise necessary power and authority for the protection of Society. The law must invest the High Court with sufficient powers and I was referring to defective powers enunciated in the High Court Regulation in the first few sections. I was also referring to other High Courts which have now original jurisdiction. On the one hand we find, Sir, that in the Charter Act in British India and under the Government of India Act, the High Courts shall have and exercise all civil and criminal jurisdiction.

So far as the Letters Patent of Calcutta, Madras and Bombay High Courts are concerned, they are more or less the same.

PRESIDENT: There are about twelve High Courts in India. Nine of them have got extra-ordinary original jurisdiction. Three of them have both ordinary original jurisdiction and extra-ordinary original jurisdiction. Originally there was no provision for appellate jurisdiction, but there was original jurisdiction in the supreme court. There was no appeal from a single judge to a fuller bench. There is no appeal from the judgment of the House of Lords even from the judgment of one of the members of the House of Lords to a larger number of the members of the House of Lords, though it seldom happens that a single member of the House of Lords sits as a Court.

SADASYATILAKA T. K. VELU PILLAI: An appeal is more or less a continuation of the suit. Even the High Courts in British India which exercise original jurisdiction have that power conferred by the Charter Act. So that the question of extraordinary jurisdiction in the case of other High Courts does not help us. Here the statement of objects and reasons is very explicit. The object of the Bill is to confer original jurisdiction upon the High Court. That is the argument which I am advancing before the House. As a preliminary case we have to see what the law governing the British Indian Courts is. That is the only point which I wish to stress. If it was extra-ordinary jurisdiction alone we could have fallen into line with Allahabad, Punjab and Lahore. But the sole object of the Bill seems to be to confer original jurisdiction and not extra-ordinary jurisdiction.

Section 12 of the Letters Patent of Madras, Calcutta and Bombay says :—

“Courts shall be empowered to receive, try and determine suits of every description of land or other immovable properties suitable within the ordinary original jurisdiction of the said High Court.”

According the present bill there is no provision to enable any party to file a suit in the High Court.

PRESIDENT : The extraordinary jurisdiction of the High Court of Madras is all over the Presidency, in fact, the whole Province of Madras, whereas the ordinary jurisdiction of the High Court is not only limited to the town of Madras, but even in the town itself, it is further limited. There can be no suit filed unless the petitioner resides within the City. In other words, the original jurisdiction of the courts of Madras, Bombay and Calcutta is exactly the counter-part of the jurisdiction exercised by the Supreme Court. At the time the Supreme Court was established, it had jurisdiction over the factory settlement, within certain limits and subject to certain conditions. This corresponds to the County of Middlesex in England. That particular provision was adopted on the basis of the County of Middlesex. That was repeated here. That is the history of the matter.

SADASYATILAKA T. K. VELU PILLAI : In regard to the extraordinary jurisdiction, I have got very little to say. My point is that in British India in the Presidency Town, as everybody knows, from 1726 onwards there was difficulty about the jurisdiction and people who are not subject to the law of England because of this difficulty of jurisdiction in respect of the courts.

PRESIDENT : It said that the King's Bench should carry its jurisdiction wherever the subjects of the King went.

SADASYATILAKA T. K. VELU PILLAI : Now that the matter is being made clear, I may say that need was long felt for investing our High Court with original jurisdiction. Original jurisdiction to be exercised in special circumstances cannot be extra-ordinary jurisdiction. Therefore, I say that as the Bill does not contain any provision for the filing of any new suits or presenting of applications, the Bill goes counter to the statement of objects and reasons. I am for a more resolute purpose of giving the High Court ample powers to administer justice. I say without fudging, invest the High Court with original jurisdiction. I merely say, come forward to this House with a definite proposal to invest the High Court with original jurisdiction and then I will have no complaint. But Government will not come forward merely for the sake of investing the High Court with original jurisdiction. The question is whether this original jurisdiction should extend to the whole State or whether it should apply only to important cases involving difficulty. Do not empower the High Court to transfer a very big case from there to one of its subordinate courts or a small cause from Parur to Quilon. The amendment to the Criminal Procedure Code shows that the procedure to be followed by the High Court in small suits must be the procedure.

I need not attempt to show how the conception of this Bill is inadequate to meet the original objects and reasons of the Bill. I wish to show that several of the provisions of the Bill are unwise. The first objection which I raised to the Bill is that although the professed

object of the Bill is to offer original jurisdiction both in civil and criminal cases, there is no clause to that effect in the Bill. No party can file a suit in the High Court. That means that the High Court has no original jurisdiction. Clause 2 (b) says—

“for the re-transfer of any suit, appeal or other proceeding or proceedings in execution of a decree, from the High Court to one of the Civil courts subordinate to the High Court, and competent to try and dispose of the same, and”.

That means that the case will have a long circuit to travel. The Section says that under certain conditions the powers of the subordinate courts may be exercised by the High Court.

There is a provision which empowers the High Court to transfer a case to itself, transfer it back to a subordinate court and transfer and retransfer it, the High Court falling down from its exalted position and becoming a subordinate Court. There are certain inconsistencies in the Bill. Make it possible for the High Court to function effectively. We should keep up the prestige and dignity of the High Court Judges. Some twenty years ago an attempt was made and a motion was brought forward in the old Council by my humble self to the effect that a Judge of the High Court when once appointed as such should not be transferred to any other place. After a long discussion it was put to vote and unluckily 18 voted for the motion and 19 against. The gentlemen who voted against the motion had later on to repent of their folly.

PRESIDENT: But the Honourable Zafrulla Khan will be for some time Judge and at other times on special duty, and will be going on like that.

SADASYATILAKA T. K. VELU PILLAI: In this particular case I have no reason to question. But apart from that there is no fixed pension for a High Court Judge in the State. With regard to salary also the High Court Judge must have a salary next to the Dewan.

PRESIDENT: In other words in England if a person acts for a day he is assured of a pension of £ 500—

SADASYATILAKA T. K. VELU PILLAI: I do not fall into line with British India. Let them go on till the 60th year. My objection is that if people are brought down from other places why not our people go on till the 60th year. I request you, Sir, that some of these facts may be taken into consideration and a comprehensive Bill may be passed.

MR. E. SUBRAMONIA AIYAR (Nominated): It is not necessary for me after the illuminating speech of the President to say much about this legislation. Certainly all are agreed that High Court is the highest court of the land and powers are conferred upon the High Court not only by the High Court Act but also by various other Acts to find, ascertain and define the powers of the High Court. We shall have to go through several Acts of the Legislature. The Criminal Procedure Code vests certain powers, the Civil Procedure Code vests other powers, the Income Tax Act gives certain powers, the Municipal Act also gives certain

[Mr. E. Subramonia Aiyar.]

powers and so all these powers are exercised by the High Court in accordance with the Acts. We have reached a particular stage now. We find that as a matter of fact the High Court has no original jurisdiction in civil as well as criminal cases. The matter came up as pointed out by the Legal Remembrancer, though not exactly about the original jurisdiction, to the High Court quite recently. That came up in the recess. The party had to file a petition to get a Receiver appointed. The party did it and the court was closed. There was no provision for filing an appeal to the District or Munsiff's Court, as the case may be. However, one of the members of the Bar wanted to test practically whether the High Court has powers in the matter. Probably an *interim* order was passed and the matter came up. Although I have not appeared for the case some findings were given by me. The matter was completely argued. The Judge took the view that the High Court has got jurisdiction in the matter; the Full Bench said that the High Court has no jurisdiction. So the question now arises what exactly the powers of the High Court are. My submission is that the highest court in the land must, at all times, have the capacity as well as the readiness to extend its help to persons who are really aggrieved and therefore as my friend has put it that the highest court in the land must be given all kinds of jurisdiction so far as the administration of justice is concerned. Now at this stage we are at the question whether the courts should be given ordinary civil jurisdiction and ordinary criminal jurisdiction. Well, that is a large question. That will depend upon various considerations. The state of the country, the territorial sub-divisions, the convenience of the public, all these matters will have to be considered when we think of conferring powers. In the first instance the original jurisdiction, civil as well as criminal, in the High Court. Personally I am against conferring the original jurisdiction without any restriction whatsoever upon the highest court. I do not want the High Court to be confronted with all sorts of cases. Extraordinary jurisdiction is a jurisdiction which is exercised by the High Court in extraordinary circumstances, a jurisdiction which is not really original but vested in other courts, as a concurrent jurisdiction. In fact when we use the words jurisdiction there are two aspects. Jurisdiction consists of the authority to try and decide matters allocated before it. That is one aspect. Another aspect is to entertain cases presented formally before the court. It is like the Letters Patent in the Allahabad, Patna and Lahore High Courts. One thing I notice is that we have gone a step further here. So far as the appeal is concerned the High Court has all the powers in the Criminal Procedure Code. We desire to confer jurisdiction on the High Court to try not only suits, but to try also other proceedings as well, that may come up for consideration.

PRESIDENT: As a matter of fact, the conferment of extraordinary jurisdiction will at once permit the High Court to issue orders on *mandamus*, *habeas corpus*, *certiorari* and all these jurisdictions which are not now known or exercised and which are of the greatest importance in the protection of the subjects, rights against the executive.

MR. E. SUBRAMONIA AIYAR: All the same I am pointing out that the procedure laid down in the British Indian Act is not followed here. These are all matters which we will have to consider.

There is no such provision in which the High Court shall have jurisdiction on the matter. No doubt, we are anxious to have certain powers in regard to the election of commissioners and other officers in appeals or in any of the kind. Such powers are exercised very sparingly. The idea is not to confer ordinary original jurisdiction in criminal or civil cases in the High Court indiscriminately without any limitation whatsoever. I say this with all vehemence. My submission is that it is a step taken in the right direction. The High Court Act deals with defining and limiting the powers of the High Court. As pointed out by the President we shall take all Acts into consideration and frame an Act which will suit us and clear all points of doubt. In these circumstances I accept the principles of the Bill and I support it. No doubt here and there certain alterations may be necessary.

For example, in transferring a case from Parur to some other place a person comes to the High Court and says that the plaintiff in the case is related to the judge in such and such way (i.e., a remote relative on the wife's side) and so the case should not be tried by him, should that be a ground for having the case tried by the High court? Well, these are matters of detail whether any restriction should be placed upon the power of the High Court to withdraw cases from one court to the High Court. So far as transferring of case from one court to another both subordinate to itself is concerned, it is a different matter.

PRESIDENT : Do the honourable members leave it to be decided that instead of the Executive saying that the High Court shall not be given such and such power in such cases, the Legislature should define their powers? If the High Court is willing to transfer a case to be tried by itself, I take it that there is a Full Bench or another Bench.

MR. E. SUBRAMONIA AIYER : The only submission I have to make in this connection is this. The tendency in modern legislation is to make more or less discretionary legislation to give discretion to the Magistrate (the deciding tribunal)—complete discretion in certain matters instead of fettering the discretion by rigid rules. There are two types of thought in the safety of the public. Entrusting power to particular individuals may become necessary but as far as possible restricted exercise of the power by specific rules and safeguards is not done by the Executive but is done by the Legislature. Even in the Letters Patent it is stated "on agreement of the parties and for such other reasons as the High Court may deem proper and reasons recorded by them". If the reasons are not recorded, it is only an irregularity.

PRESIDENT : Originally it was intended that no High Court Judge need write a judgment but need only deliver a judgment. It was much later that the High Court were given powers to write judgments. In no civil case in England, such judgments generated from the judges. The only order was 'the appeal is allowed or the defence prevails'. When there was an appeal the High Court Judge did not give reasons for the judgment delivered by him and the original document that remained was that he sent a private note to the Court from which the appeal was preferred. All that has now been modified.

MR. E. SUBRAMONIA AIYAR : Keeping that in view, life has become so complex, people have become so jealous of their rights and liberties—certainly they have the confidence in the highest tribunal of the land—they are all alive to the fact that the highest judges of the land are also human beings and they are not always infallible. Secondly, in the complicated situation and of the way in which life is now being led some rules and regulations have come in so that people may know exactly where they stand. Not that I am a great believer in the reconstruction of the society by what are called legislative and social reforms. Knowing as I do the conditions in Travancore and in view of the stages by which we had grown—this is my main reason—it would be better, I think to define as far as possible the powers without at the same time fettering the discretion of the High Court Judges undertaking the trial of cases in which, broadly speaking, an interference could be had. There are other varied matters which have to be looked into, which come within the word proceeding and whether jurisdiction should be conferred upon the High Court, independent of the initiative proceedings of the District Court. I am sure that when the matter comes before the Select Committee, the Legal Remembrancer will carefully look into the whole matter and help the Select Committee in framing a proper and satisfactory bill for the consideration of the House. My submission therefore is that though I am also one against a temporary or rather piecemeal legislation, yet I am of the view—whether the necessity has arisen or not—that we should not wait till the whole thing comes into existence. I may say in this connection that when the Civil Court Amendment Bill had been before the House, I had the opportunity to look into the matter and some powers had to be given to the single judges in regard to jurisdiction and such other matters because the power of the judges at the time was very limited. No attempt was then made to change the High Court Act except to the extent that was required at that time. So I request the House to accept the principle underlying the Bill.

MR. C. JEBAMONY NADAR : As a court of final appeal there must still be some difference between Our High Court and the British Indian Courts where in certain circumstances appeal may be made to the Privy Council and also to the Federal Court against the decisions of the High Courts. On the Criminal side, though the Judicial Committee is not a court of appeal under the Criminal Procedure Code, under the Letters Patent, it has been held that the power could be exercised by the Judicial Committee whereas against the decisions of our High Court there is no such safeguard. I think this aspect cannot be lost sight of when the bill is considered. Under the British Indian Law especially on the criminal side, there is provision for trial by Jury in the High Court when it exercises its original jurisdiction. There is thus a material difference between this Bill and the Law in British India in the matter of criminal trials. I do not think that this Bill invests the High Court with any power to entertain criminal complaints. Because complaint is defined in the Criminal Procedure Code as “an allegation made to a Magistrate with a view to his taking action.” So

even when our amended Bill comes into force, the High Court would not be in a position to take cognisance of a complaint, unless we amend the definition of complaint in the Criminal Procedure Code. Similarly, on the civil side as the law in the C. P. C. stands, complaints have to be filed before the Court of the lowest grade. Of course, there is a provision in one of the Bills, which I think is not very clear. Different rules prevail in filing a case before the very court which tries it and filing the case before the superior court only for the purpose of obtaining an emergent order. This bill does not constitute the High Court as a court of original jurisdiction at the first stage of a case. So then, the original jurisdiction of the High Court even according to this Bill comes in only at a later stage. Suppose somebody wants an injunction order or an order for appointment of a Receiver. Under this Bill, the High Court cannot entertain any such plaint or application for and on behalf of the court before which the plaint must ordinarily be filed. My submission is that the High Court in such cases must entertain the case not as the High Court, but only for and on behalf of the subordinate court having jurisdiction. Perhaps this Bill necessitates other alterations in the Criminal Procedure Code, C. P. C. and Civil Courts' Guide.

I may also bring to the notice of this House another matter. In Criminal cases there is a distinction between an "enquiry" and a "trial". Trial comes in only when the charges have been framed against the accused. In Sessions Cases the Magistrates conduct preliminary enquiries and then commit the cases to the Sessions Courts. But by this Bill the High Court are endowed with powers to enquire into Sessions Cases also. When one Judge of the High Court enquires into a criminal case, certainly under the Law, he cannot proceed with the trial of the case. He has to commit the case to some other judge or some other court. Supposing the enquiring High Court Judge decides to commit the case to a Sessions Court subordinate to the High Court. The accused is thus sent for trial from a superior court to the subordinate court with the finding by the Highest Court that there is a *prima facie* case against him. I fear that this would virtually mean a direction to the lower court to pronounce a verdict of guilty. Again, if the same learned judge of the High Court

PRESIDENT: There has been no such instance throughout the world. The question of filing complaints through the High Court or the High Court committing a case to another court subordinate to it has never arisen. All these courts have been exercising extraordinary jurisdiction and till now there is no case which has been so committed.

MR. C. JEBAMONY NADAR: It is true that difficulties might not have arisen till now but may arise hereafter. If on the other hand the case is to be committed to the High Court, another judge has to try the case. When the case ends in conviction appeal has again to be preferred before the same High Court consisting of two more judges. As pointed out by my learned friend Mr. E. Subramonia Aiyar, we have to take into consideration certain other statutes also. For example, the Civil Courts Act enacts that a District Judge or a Munsiff is

[Mr. C. Jebamony Nadar.]

prohibited from trying a case in which he is interested. I do not think that any judge of the High Court would try a case in which he is personally interested. But the Legislature has to make the position clear. Suppose a difficulty arises—I do not think it would arise—then it should not be said that the law is defective.

We have to be clear as far as possible and we want to make such law as would remove all possible doubts.

So far as the legal expenses are concerned, the fee for a petition in a Magistrate's or Munsiff's Courts is half a rupee whereas the petition fee in the High Court is Rs. 2. Also in the matter of issuing process to the witnesses from the High Court, we have to pay a higher rate. The party will have to meet heavy expenses for any original trial before the High Court.

MR. M. R. NARAYANA PILLAI: Sir, when we are discussing the principles of this bill, I must say something about clause 6 of the bill which runs :—

"The High Court shall comply with such requisition as may be made by our Government for records, returns and statements in such form and manner as Our Government may deem proper".

The statement of objects and reasons gives reasons for the introduction of this Bill. As this is a new section, I think that the statement of objects and reasons should explain why this section is inserted separately. I find no reason being mentioned there, and I am at a loss to understand why this new section has found a place in the Bill. My objection is only about the inclusion of the word records in that new section.

Independence of judiciary is an index to every civilised administration and our administration is indeed a civilised one. I say that if records are called for by the Government every time, or at any time when a case is pending, or when a case is under appeal, it would bring about serious difficulties in the working of the judicial department. Therefore, I say that the word 'records' should be deleted from that section. Moreover, if the Government require any records, they could obtain copies of same from the High Court, as any ordinary party does.

MR. K. G. KUNJUKRISHNA PILLAI: May I with your permission, Sir, speak a few words in reply.

PRESIDENT: Does any other member wish to speak.

(No Member stood up to speak.)

MR. K. G. KUNJUKRISHNA PILLAI: Sir, the very serious objection raised by my friend Mr. T. K. Velu Pillai, is that the bill does not confer ordinary original jurisdiction on the High Court though the statement of objects and reasons refers to original jurisdiction. But immediately following Mr. Velu Pillai, Mr. E. Subramonia Aiyar pointed out that when the statement of objects and reasons does state

that original jurisdiction under special circumstances is contemplated, it means extraordinary original jurisdiction. And that is exactly what is intended in the Bill, Sir. I concede that ordinary original jurisdiction was deliberately omitted from the Bill, as it was not thought that the time has come when we should think of investing the High Court with ordinary original jurisdiction, as obtains at present in the High Courts of Madras, Bombay or Calcutta.

SADASYATILAKA T. K. VELU PILLAI: Sir, having listened to my friend, may I ask him as to what is meant by original jurisdiction, in regard to civil and criminal courts. Has that got two meanings or one meaning?

MR. K. G. KUNJUKRISHNA PILLAI: Sir, the sentence concerned is itself intended to invest the High Court with original jurisdiction to be exercised in certain special circumstances.

SADASYATILAKA T. K. VELU PILLAI: Do these words 'certain special circumstances' find a place there?

MR. K. G. KUNJUKRISHNA PILLAI: I have stated clearly, Sir, that the need has long been felt of investing the High Court with the original jurisdiction to be exercised in special circumstances. Those are the exact words, and I submit, Sir, that when we say that the original jurisdiction is to be exercised in special circumstances, it does not mean the exercise of original jurisdiction as we ordinarily understand it. It means the exercise of extraordinary original jurisdiction and that statement is borne out by every clause in the Bill, so that there was no difficulty for any of my honourable member to understand, at any rate what was intended and what was meant by this Bill. Sir, as submitted, there was no intention at all to invest the High Court with ordinary original jurisdiction, and for this purpose another bill has to be introduced. But, Sir, a more serious argument was made that even this conferment of extraordinary original jurisdiction is not enough in certain cases. At present all ordinary original jurisdiction that may be exercised by any other court, could be exercised by the High Court by transferring any suit, appeal or other proceedings. In cases, where no jurisdiction at all is invested in subordinate courts, the High Court under this Bill will have no freedom to exercise such rights. In the Select Committee the whole question will have to be dealt with on this matter.

SADASYATILAKA T. K. VELU PILLAI: I beg to raise a point of order, Sir. I heard my friend saying that the Bill has to go before the Select Committee for discussion. Does it mean that the Select Committee shall retain the right to amend or rectify defects, if any, in the Bill. As far as I know, though the right of discussion about a bill is conceded to a select committee, as a matter of fact, it may have no right to amend the principles of a bill, which has been accepted by the House. I cannot, therefore, understand the views of my friend.

MR. K. G. KUNJUKRISHNA PILLAI : The real issue at present is whether the principle of the bill should be confirmed or not. My friend, Mr. Velu Pillai has raised a number of issues, and I submitted in reply that those are issues which may be considered by the Select Committee. Then my learned friend Mr. Velu Pillai asked whether the Select Committee is the proper body for transacting that business. He himself has created this difficulty, and he wants me to find a solution for that difficulty. It is not fair for a senior man like him to create such troubles for a younger man like me.

SADASYATILAKA T. K. VELU PILLAI : I do not want to create any difficulty, but I want to help my friend in matters of legislation, and I am proud that he is doing so well.

MR. K. G. KUNJUKRISHNA PILLAI : Sir, the principle of the Bill is whether we should confer original jurisdiction on the High Court or not. All the other matters are incidental to this. I submit, therefore, that in view of the statement from my learned friend Mr. E. Subramonia Iyer, some amendments may probably be made. Therefore, I am glad to say, Sir, that the principle of the bill is more or less supported by all the members who have spoken.

In reply to my friend Mr. Nadar, let me say that during the vacation time, the High Court for the purpose of granting relief may receive a plaint, an appeal or a petition and pass orders, in regard to civil cases. In criminal cases, such a provision is unnecessary, as criminal courts are functioning throughout the year, and as the Magistrates are bound to hear cases both day and night. Thus there is no difficulty in that matter. These are the main provisions of the Bill, which I submit for the consideration of the House, and that I find in view of the statements so far made, the House is prepared to accept the same.

PRESIDENT : I feel I shall make clear one or two matters. I am making the observations so that they may be used when this Bill or any other consolidated bill of this nature is considered.

The history of the Judicature in this State has been slightly different from the history of the Judicature in England. So far as I understand, the first step in the composition of the Judicature here was not to bring into existence a plenary court. The first step that was taken was to start the Zilla Courts. And the Zilla Courts had to have somebody to supervise them, and the Dewan was given the power to supervise them. Then the Zilla Courts evolved into the Sadar Courts. These Courts were finally succeeded by the High Court. In England the process was not similar. The King, vesting in himself all the powers to try both civil and criminal cases, brought into existence on the Chancery or the Equity Division, a Lord Chancellor who was generally an ecclesiastical dignitary, who dealt with all matters of general equity and good conscience. He also appointed some judges to whom he gave some of his powers. Therefore the inherent jurisdiction both on the Chancery and on the King's Bench Division started with all the powers of the

King, directly or indirectly, by implication or expressly by being granted to all these courts. Here it started from the other end: it started with the Zilla Courts and with the Dewan being at the head of the judicature. That is why there has been a certain amount of confusion. I made enquiries in the matter and I understand that the courts got their increased jurisdiction in greater extent by exercising it to that extent. But unfortunately in Travancore that process has not been uniform. Some learned judges wanted to extend their jurisdiction while some have been anxious to keep to their existing jurisdiction. The result was certain powers, let us say, with regard to the mandamus, habeas corpus and with regard to contempt, were supposed to be included in the inherent jurisdiction of the High Court. Where it arose from is not clear. Some judges say it does not arise; others say it does. The idea underlying the ultimate consolidated enactment is that there should be a delegation by the Sovereign of the judicial functions to a supreme authority which should exercise it in all matters. That would take a long time because very great research is necessary in the matter. A study of the court enactments and also a study of the evolution of the law which is proceeding very rapidly in America and England, are also necessary. But it is in order to have a kind of interim jurisdiction so as not to handicap the judges of today from asserting such inherent rights, that this legislation is sought to be invoked now. I believe—though I have never been a judge—that it would be open for the High Court with this enactment modified when necessary and by virtue of this extraordinary original jurisdiction vested in the High Court, to have the right to exercise in matters such as the habeas corpus, mandamus, the certiorari, inherent jurisdiction to this same extent that the King's bench, the Criminal Court or the High Court in England have been exercising. It is with the hope that the High Court will proceed with the policy of taking more jurisdiction into itself, that this step is being taken. This is taken only as the first step and when the necessary investigations are complete, honourable members may take it that, so far as I am concerned, I should only be too glad to extend the powers of the High Court, because in the extension of its powers, lies the future of the State.

The question that the bill be read in this House was put and carried.

SECRETARY TO THE ASSEMBLY: The title of the Bill shall be "The Travancore High Court Act (Amendment) Bill."

MR. K. G. KUNJUKRISHNA PILLAI: I move that the bill be referred to a Select Committee composed of the following gentlemen:—

Messrs.

1. S. Chattanatha Karayalar.
2. Kottalil P. Abraham.
3. P. Sivarama Pillai.
4. C. Jebamony Nadar.
5. M. R. Narayana Pillai.
6. P. Kunjukrishnan.
7. G. Velu Pillai.

[Mr. K. G. Kunjukrishna Pillai.]

Messrs.

8. E. Subramonia Aiyar.
9. C. Raman Kunju.
10. P. Narayana Pillai.
11. E. E. Pandarathil.
12. H. O. L. Marikar.
13. K. S. Sebastian.
14. C. Ramaswami Nadar.
15. N. Ramakrishna Pillai, and myself.

PRESIDENT: The usual convention in the matter of selecting persons for the select committees, is to have the Deputy President and the Leader of the majority party in the House positively in the Committee. It is not a personal matter, it is the duty of the member to be included in the Committee as the representative of the majority of the House.

SADASYATILAKA T. K. VELU PILLAI: Mr. K. G. Kunjukrishna Pillai has, as a matter of fact, asked me on several occasions whether I am willing to be included in the Committee. If it is considered to be my duty, I shall abide by the rules.

PRESIDENT: It is the duty which the honourable member has to perform as the accredited leader of the majority opinion.

Sadasyatilaka T. K. Velu Pillai was also included in the Select Committee.

The motion that the Bill be referred to the Select Committee was put and carried.

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: I rise to present the Criminal Procedure Code (Amendment) Bill. It has been published in the Gazette. I move that the Bill be read in Assembly.

The motion that the Bill be read in Assembly was put and carried.

SECRETARY: The title of the Bill shall be "The Travancore Criminal Procedure Code (Amendment) Bill."

MR. K. G. KUNJUKRISHNA PILLAI: I move that the Bill be referred to the same Select Committee appointed to consider the High Court Act (Amendment) Bill.

The motion was put and carried.

THE CIVIL PROCEDURE CODE (AMENDMENT) BILL.

MR. K. G. KUNJUKRISHNA PILLAI: I rise to introduce the Civil Procedure Code (Amendment) Bill. I move that the bill be read in Assembly.

The motion was put and carried.

SECRETARY: The title of the Bill shall be "The Travancore Civil Procedure Code (Amendment) Bill."

MR. K. G. KUNJUKRISHNA PILLAI: I move that the bill be referred to the same Select Committee as that on the High Court Bill.

The motion was put and carried.